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1973

# Endowment Advisory Panels (1976): Report 01

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# [COMMITTEE PRINT]

NOVEMBER 8, 1972

(Intended To Be Proposed by Mr. Javits)

93d CONGRESS  
1ST SESSION

**S.**

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## IN THE SENATE OF THE UNITED STATES

JANUARY , 1973

Mr. ----- introduced the following bill; which was read twice and referred to the Committee on Labor and Public Welfare

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## **A BILL**

To revise and improve Federal programs of assistance to the arts and humanities.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the National Foundation on the Arts and the Human-  
4       ities Act of 1965 is amended to read as follows:

5                               “SHORT TITLE

6       “SECTION 1. This Act may be cited as the ‘National  
7       Foundation on the Arts and the Humanities Act of 1973’.

8                               “DECLARATION OF PURPOSE

9       “SEC. 2. The Congress hereby finds and declares—

10               “(1) that the encouragement and support of na-  
11       tional progress and scholarship in the humanities and

1 the arts, while primarily a matter for private and local  
2 initiative, is also an appropriate matter of concern to the  
3 Federal Government;

4 “(2) that a high civilization must not limit its  
5 efforts to science and technology alone but must give  
6 full value and support to the other great branches of  
7 man’s scholarly and cultural activity in order to achieve  
8 a better understanding of the past, a better analysis of  
9 the present, and a better view of the future;

10 “(3) that democracy demands wisdom and vision in  
11 its citizens and that it must therefore foster and support  
12 a form of education designed to make men masters of  
13 their technology and not its unthinking servant;

14 “(4) that it is necessary and appropriate for the  
15 Federal Government to complement, assist, and add to  
16 programs for the advancement of the humanities and  
17 the arts by local, State, regional, and private agencies  
18 and their organizations;

19 “(5) that the practice of art and the study of the  
20 humanities requires constant dedication and devotion and  
21 that, while no government can call a great artist or  
22 scholar into existence, it is necessary and appropriate  
23 for the Federal Government to help create and sustain  
24 not only a climate encouraging freedom of thought, imag-

1 ination, and inquiry but also the material conditions  
2 facilitating the release of this creative talent;

3 “(6) that the world leadership which has come to  
4 the United States cannot rest solely upon superior  
5 power, wealth, and technology, but must be solidly  
6 founded upon worldwide respect and admiration for the  
7 Nation’s high qualities as a leader in the realm of ideas  
8 and of the spirit, and that the United States should be  
9 in the position of being especially recognized for its  
10 preeminence in the realm of ideas of the spirit as this  
11 Nation commemorates the bicentennial of its birth and  
12 its earliest struggles for independence; and

13 “(7) that, in order to implement these findings, it  
14 is desirable to establish a National Foundation on the  
15 Arts and the Humanities and to strengthen the responsi-  
16 bilities of the Office of Education with respect to educa-  
17 tion in the arts and the humanities.

# 18 “TITLE I—GENERAL PROVISIONS

## 19 “NATIONAL FOUNDATION OF THE ARTS AND THE 20 HUMANITIES

21 “SEC. 101. (a) There is established a National Founda-  
22 tion on the Arts and the Humanities (hereinafter referred  
23 to as the ‘Foundation’), which shall be composed of a Na-  
24 tional Endowment for the Arts, a National Endowment for

1 the Humanities, and a Federal Council on the Arts and the  
2 Humanities (hereinafter established).

3 “(b) The purpose of the Foundation shall be to de-  
4 velop and promote a broadly conceived national policy of  
5 support for the humanities and the arts in the United States  
6 pursuant to this Act.

7 “(c) In the administration of this Act no department,  
8 agency, officer, or employee of the United States shall ex-  
9 ercise any direction, supervision, or control over the policy  
10 determination, personnel, or curriculum, or the administra-  
11 tion or operation of any school or other non-Federal agency,  
12 institution, organization, or association.

13 “FEDERAL COUNCIL ON THE ARTS AND THE HUMANITIES

14 “SEC. 102. (a) There is established within the Founda-  
15 tion a Federal Council on the Arts and the Humanities.

16 “(b) The Council shall be composed of the Chairman  
17 of the National Endowment for the Arts, the Chairman of  
18 the National Endowment for the Humanities, the Assistant  
19 Secretary of Health, Education, and Welfare for Education,  
20 the Secretary of the Smithsonian Institution, the Director of  
21 the National Science Foundation, the Librarian of Congress,  
22 the Director of the National Gallery of Art, the Chairman of  
23 the Commission of Fine Arts, the Archivist of the United  
24 States, the Director of the American Revolution Bicenten-

1 nial Commission, a member designated by the Secretary of  
2 the Interior, and a member designated by the Secretary  
3 of State. The President shall designate the Chairman of  
4 the Council from among the members. The President is au-  
5 thorized to change the membership of the Council from time  
6 to time as he deems necessary to meet changes in Federal  
7 programs or executive branch organization.

8 “(c) The Council shall—

9 “(1) advise and consult with the Chairman of the  
10 National Endowment for the Arts and the Chairman of  
11 the National Endowment for the Humanities on major  
12 problems arising in carrying out the purposes of the  
13 Foundation;

14 “(2) coordinate, by advice and consultation, so far  
15 as is practicable, the policies and operations of the Na-  
16 tional Endowment for the Arts and the National En-  
17 dowment for the Humanities, including joint support of  
18 activities, as appropriate;

19 “(3) promote coordination between the programs  
20 and activities of the Foundation and related programs  
21 and activities of other Federal agencies; and

22 “(4) plan and coordinate appropriate participa-  
23 tion (including productions and projects) in major and  
24 historic national events.

1                   “ADMINISTRATIVE PROVISIONS

2           “SEC. 103. (a) In addition to any authorities vested in  
3 them by other provisions of this Act, the Chairman of the  
4 National Endowment for the Arts and the Chairman of the  
5 National Endowment for the Humanities, in carrying out  
6 their respective functions, shall each have authority—

7           “(1) to prescribe such regulations as he deems  
8 necessary governing the manner in which his functions  
9 shall be carried out;

10          “(2) in the discretion of the Chairman of an En-  
11 dowment, after receiving the recommendation of the  
12 National Council of that Endowment, to receive money  
13 and other property donated, bequeathed, or devised to  
14 that Endowment with or without a condition or restric-  
15 tion, including a condition that the Chairman use other  
16 funds of that Endowment for the purposes of the gift;  
17 and to use, sell, or otherwise dispose of such property  
18 for the purpose of carrying out sections 201 (c) and  
19 301 (c) of this Act;

20          “(3) to appoint employees, subject to the civil  
21 service laws, as necessary to carry out his functions,  
22 define their duties, and supervise and direct their  
23 activities;

24          “(4) to utilize from time to time, as appropriate,  
25 experts and consultants, including panels of experts, who

1        may be employed as authorized by section 3109 of title  
2        5, United States Code;

3        “(5) to accept and utilize the services of voluntary  
4        and uncompensated personnel and reimburse them for  
5        travel expenses, including per diem, as authorized by  
6        section 5703 of title 5, United States Code, for indi-  
7        viduals in the Government service serving without pay;

8        “(6) to make advance, progress, and other pay-  
9        ments without regard to the provisions of section 3648  
10       of the Revised Statutes (31 U.S.C. 529) ;

11       “(7) to rent office space in the District of Columbia;

12       and

13       “(8) to make other necessary expenditures.

14       In any case in which any money or other property is do-  
15       nated, bequeathed, or devised to the Foundation (A) without  
16       designation of the Endowment for the benefit of which such  
17       property is intended, and (B) without condition or restric-  
18       tion other than that it be used for the purposes of the Foun-  
19       dation, such property shall be deemed to have been donated,  
20       bequeathed, or devised in equal shares to each Endowment  
21       and each Chairman of an Endowment shall have authority  
22       to receive such property. In any case in which any money  
23       or other property is donated, bequeathed, or devised to the  
24       Foundation with a condition or restriction, such property  
25       shall be deemed to have been donated, bequeathed, or devised



1 to that Endowment whose function it is to carry out the pur-  
2 pose or purposes described or referred to by the terms of such  
3 condition or restriction, and each Chairman of an Endowment  
4 shall have authority to receive such property. For the pur-  
5 poses of the preceding sentence, if one or more of the purposes  
6 to such a condition or restriction is covered by the functions  
7 of both Endowments, or if some of the purposes of such a  
8 condition or restriction are covered by the functions of one  
9 Endowment and other of the purposes of such a condition or  
10 restriction are covered by the functions of the other Endow-  
11 ment, the Federal Council on the Arts and the Humanities  
12 shall determine an equitable manner for distribution between  
13 each of the Endowments of the property so donated, be-  
14 queathed, or devised. For the purposes of the income tax,  
15 gift tax, and estate tax laws of the United States, any money  
16 or other property donated, bequeathed, or devised to the  
17 Foundation or one of its Endowments and received by the  
18 Chairman of an Endowment pursuant to authority derived  
19 under this subsection shall be deemed to have been donated,  
20 bbequeathed, or devised to or for the use of the United States.

21 “(b) The Chairman of the National Endowment for  
22 the Arts and the Chairman of the National Endowment for  
23 the Humanities shall each submit an annual report to the  
24 President for transmittal to the Congress on or before the  
25 15th day of January of each year. The report shall sum-

1 summarize the activities of the Endowment for the preceding  
 2 year, and may include such recommendations as the Chair-  
 3 man deems appropriate.

4 “(c) The National Council on the Arts and the Na-  
 5 tional Council on the Humanities, respectively, may each  
 6 submit an annual report to the President for transmittal to  
 7 the Congress on or before the 15th day of January of each  
 8 year setting forth a summary of its activities during the pre-  
 9 ceding year or its recommendations for any measures which  
 10 it considers necessary or desirable.

#### 11 “DEFINITIONS

12 “SEC. 104. As used in this Act, the term—

13 “(1) ‘humanities’ includes, but is not limited to,  
 14 the study of the following: language, both modern and  
 15 classical; linguistics; literature; history; jurisprudence;  
 16 philosophy; archeology; comparative religion; ethics;  
 17 the history, criticism, theory, and practice of the arts;  
 18 those aspects of the social sciences which have humanis-  
 19 tic content and employ humanistic methods; and the  
 20 study and the application of the humanities to the  
 21 human environment with particular attention to the  
 22 relevance of the humanities to the current conditions of  
 23 national life;

24 “(2) ‘the arts’ includes, but is not limited to, music  
 25 (instrumental and vocal), dance, drama, folk art, cre-

1 creative writing, architecture and allied fields, painting,  
2 sculpture, photography, graphic and craft arts, indus-  
3 trial design, costume and fashion design, motion pic-  
4 tures, television, radio, tape and sound recording, the  
5 arts related to the presentation, performance, execution,  
6 and exhibition of such major art forms, and the study  
7 and application of the arts to the human environment;

8 “(3) ‘production’ means plays (with or without  
9 music), ballet, dance and choral performances, concerts,  
10 recitals, operas, exhibitions, readings, motion pictures,  
11 television, radio, and tape and sound recordings, and any  
12 other activities involving the execution or rendition of  
13 the arts and meeting such standards as may be approved  
14 by the National Endowment for the Arts established by  
15 section 201 of this Act;

16 “(4) ‘project’ means programs organized to carry  
17 out the purposes of this Act, including programs to foster  
18 American artistic creativity, to commission works of art,  
19 to create opportunities for individuals to develop artistic  
20 talents when carried on as a part of a program otherwise  
21 included in this definition, and to develop and enhance  
22 public knowledge and understanding of the arts, and  
23 includes, where appropriate, rental, purchase, renovation,  
24 or construction of facilities, purchase or rental of land,  
25 and acquisition of equipment;

1           “(5) ‘group’ includes any State or other public  
2       agency, and any nonprofit society, institution, organiza-  
3       tion, association, museum, or establishment in the United  
4       States, whether or not incorporated;

5           “(6) ‘workshop’ means an activity the primary  
6       purpose of which is to encourage the artistic develop-  
7       ment or enjoyment of amateur, student, or other non-  
8       professional participants, or to promote scholarship and  
9       teaching among the participants; and

10          “(7) ‘State’ includes, in addition to the several  
11       States of the Union, the Commonwealth of Puerto Rico,  
12       the District of Columbia, Guam, American Samoa, and  
13       the Virgin Islands.

14                               “ADMINISTRATIVE FUNDS

15          “SEC. 105. There are authorized to be appropriated  
16       such sums as may be necessary to administer the provisions  
17       of this Act.

18                               “TITLE II—THE ARTS

19                               “NATIONAL ENDOWMENT FOR THE ARTS

20          “SEC. 201. (a) There is established within the Foun-  
21       dation a National Endowment for the Arts.

22          “(b) (1) The Endowment shall be headed by a chair-  
23       man, to be known as the Chairman of the National Endow-  
24       ment for the Arts, who shall be appointed by the President,  
25       by and with the advice and consent of the Senate.

1       “(2) The term of office of the Chairman shall be four  
2 years and the Chairman shall be eligible for reappointment.  
3 The provisions of this subsection shall apply to any person  
4 appointed to fill a vacancy in the office of Chairman. Upon  
5 expiration of his term of office the Chairman shall serve  
6 until his successor shall have been appointed and shall have  
7 qualified.

8       “(c) The Chairman, with the advice of the Federal  
9 Council on the Arts and the Humanities and the National  
10 Council on the Arts, is authorized to establish and carry out  
11 a program of contracts with, or grants-in-aid to, groups or,  
12 in appropriate cases, individuals of exceptional talent en-  
13 gaged in or concerned with the arts, for the purpose of  
14 enabling them to provide or support in the United States—

15       “(1) productions which have substantial artistic  
16 and cultural significance, giving emphasis to American  
17 creativity and the maintenance and encouragement of  
18 professional excellence;

19       “(2) productions, meeting professional standards or  
20 standards of authenticity, irrespective of origin, which  
21 are of significant merit and which, without such assist-  
22 ance, would otherwise be unavailable to our citizens in  
23 many areas of the country;

24       “(3) projects that will encourage and assist artists  
25 and enable them to achieve wider distribution of their

1 works, to work in residence at an educational or cultural  
2 institution, or to achieve standards of professional excel-  
3 lence;

4 “(4) workshops that will encourage and develop  
5 the appreciation and enjoyment of the arts by our  
6 citizens;

7 “(5) other relevant projects, including surveys, re-  
8 search, and planning in the arts.

9 “(d) No payment may be made to any group under  
10 this section except upon application therefor which is sub-  
11 mitted to the National Endowment for the Arts in accord-  
12 ance with regulations and procedures established by the  
13 Chairman.

14 “(e) The total amount of any grant to any group pur-  
15 suant to subsection (c) of this section shall not exceed 50  
16 per centum of the total cost of such project or production,  
17 except that not more than 20 per centum of the funds  
18 allotted by the National Endowment for the Arts for the  
19 purposes of subsection (c) of this section for any fiscal year  
20 may be available for grants and contracts in that fiscal year  
21 without regard to such limitation.

22 “(f) Any group shall be eligible for financial assist-  
23 ance pursuant to this section only if (1) no part of its net  
24 earnings inures to the benefit of any private stockholder or  
25 stockholders, or individual or individuals, and (2) dona-

1 tions to such group are allowable as a charitable contribu-  
2 tion under the standards of subsection (c) of section 170  
3 of the Internal Revenue Code of 1954.

4 “(g) (1) The Chairman, with the advice of the Federal  
5 Council on the Arts and the Humanities and the National  
6 Council on the Arts, is authorized to establish and carry out  
7 a program of grants-in-aid to assist the several States in sup-  
8 porting existing projects and productions which meet the  
9 standards enumerated in subsection (c) of this section, and  
10 in developing projects and productions in the arts in such a  
11 manner as will furnish adequate and quality programs,  
12 facilities, and services in the arts to all the people and com-  
13 munities in each of the several States.

14 “(2) In order to receive such assistance in any fiscal  
15 year, a State shall submit an application for such grants  
16 prior to the first day of such fiscal year and accompany such  
17 application with a plan which the Chairman finds—

18 “(A) designates or provides for the establishment  
19 of a State agency (hereinafter in this section referred to  
20 as the ‘State agency’) as the sole agency for the admin-  
21 istration of the State plan, except that in the case of the  
22 District of Columbia the Recreation Board, or any suc-  
23 cessor designated for the purpose of this Act by the Com-  
24 missioner of the District of Columbia, shall be the ‘State  
25 agency’;

1           “(B) provides that funds paid to the State under  
2       this subsection will be expended solely on projects and  
3       productions approved by the State agency which carry  
4       out one or more of the objectives of subsection (c) of  
5       this section; except that in the case of the first fiscal  
6       year in which the State is allotted funds after the date of  
7       enactment of this Act, a plan may provide that not to  
8       exceed \$25,000 of such funds will be expended to con-  
9       duct a study to plan the development of a State agency  
10      in the State and to establish such an agency; and

11           “(C) provides that the State agency will make  
12      such reports, in such form and containing such informa-  
13      tion, as the Chairman may from time to time require.

14           “(3) From the sums appropriated to carry out the pur-  
15      poses of this title for any fiscal year, not less than  
16      \$150,000 shall be allotted to each State, except that not less  
17      than \$75,000 shall be allotted to Guam and not less than  
18      \$75,000 shall be allotted to American Samoa. That part of  
19      such sums as may remain after such allotment shall be al-  
20      lotted among the States in equal amounts, except that for the  
21      purposes of this sentence the term ‘State’ shall not include  
22      Guam and American Samoa. If the sums appropriated for  
23      any fiscal year to carry out the purposes of this subsection are  
24      insufficient to satisfy allotments under the first sentence of



1 this paragraph, such sums shall be allotted among the States  
2 in equal amounts.

3 “(4) The amount of each allotment to a State for any  
4 fiscal year under this subsection shall be available to each  
5 State, which has a plan approved by the Chairman in effect  
6 on the first day of such fiscal year, to pay not more than 50  
7 per centum of the total cost of any project or production  
8 described in paragraph (1), and to pay up to 100 per  
9 centum of the cost of conducting a study and establishing a  
10 State agency under paragraph (2) (B) of this subsection.

11 “(5) All amounts allotted under paragraph (3) for a  
12 fiscal year which are not granted to a State during such year  
13 shall be available at the end of such year to the National  
14 Endowment for the Arts for the purpose of carrying out  
15 subsection (c) of this section.

16 “(h) Whenever the Chairman, after reasonable notice  
17 and opportunity for hearing, finds that—

18 “(1) a group is not complying substantially with  
19 the provisions of this section;

20 “(2) a State agency is not complying substantially  
21 with the terms and conditions of its State plan approved  
22 under this section; or

23 “(3) any funds granted to a group or State agency  
24 under this section have been diverted from the purposes  
25 for which they were allotted or paid,

1 the Chairman shall immediately notify the Secretary of the  
2 Treasury and the group or State agency with respect to which  
3 such finding was made that no further grants will be made  
4 under this section to such group or agency until there is no  
5 longer any default or failure to comply or the diversion has  
6 been corrected; or, if compliance or correction is impossible,  
7 until such group or agency repays or arranges the repayment  
8 of the Federal funds which have been improperly diverted or  
9 expended.

10 “ (i) It shall be a condition of the receipts of any grant  
11 under this section that the group or individual of exceptional  
12 talent or the State or State agency receiving such grant fur-  
13 nish adequate assurances to the Secretary of Labor that (1)  
14 all professional performers and related or supporting profes-  
15 sional personnel (other than laborers and mechanics with  
16 respect to whom labor standards are prescribed in subsection  
17 (j) of this section) employed on projects or productions  
18 which are financed in whole or in part under this section will  
19 be paid, without subsequent deduction or rebate on any  
20 account, not less than the minimum compensation as deter-  
21 mined by the Secretary of Labor to be the prevailing mini-  
22 mum compensation for persons employed in similar activities;  
23 and (2) no part of any project or production which is fi-  
24 nanced in whole or in part under this section will be per-  
25 formed or engaged in under working conditions which are

1 unsanitary or hazardous or dangerous to the health and safety  
2 of the employees engaged in such project or production,  
3 Compliance with the safety and sanitary laws of the State  
4 in which the performance or part thereof is to take place  
5 shall be prima facie evidence of compliance. The Secretary  
6 of Labor shall have the authority to prescribe standards,  
7 regulations, and procedures as he may deem necessary or  
8 appropriate to carry out the provisions of this subsection.

9 “(j) It shall be a condition of the receipt of any grant  
10 under this section that the group or individual of exceptional  
11 talent or the State or State agency receiving such grant  
12 furnish adequate assurances to the Secretary of Labor that  
13 all laborers and mechanics employed by contractors or sub-  
14 contractors on construction projects assisted under this sec-  
15 tion shall be paid wages at rates not less than those prevail-  
16 ing on similar construction in the locality as determined by  
17 the Secretary of Labor in accordance with the Davis-Bacon  
18 Act, as amended. The Secretary of Labor shall have with  
19 respect to the labor standards specified in this subsection the  
20 authority and functions set forth in Reorganization Plan  
21 Numbered 14 of 1950 and section 2 of the Act entitled ‘An  
22 Act to effectuate the purpose of certain statutes concerning  
23 rates of pay for labor, by making it unlawful to prevent any-  
24 one from receiving the compensation contracted for there-

1 under, and for other purposes', approved June 13, 1934  
2 ((48 Stat. 948; 40 U.S.C. 276c)).

3 “(k) The Chairman shall correlate the programs of the  
4 National Endowment for the Arts insofar as practicable,  
5 with existing Federal programs and with those undertaken  
6 by other public agencies or private groups, and shall develop  
7 the programs of the Endowment with due regard to the  
8 contribution to the objectives of this title which can be made  
9 by other Federal agencies under existing programs.

10 “NATIONAL COUNCIL ON THE ARTS

11 “SEC. 202. (a) There shall be, within the National  
12 Endowment for the Arts, a National Council on the Arts  
13 (hereinafter in this section referred to as the ‘Council’).

14 “(b) The Council shall be composed of the Chairman  
15 of the National Endowment for the Arts, who shall be Chair-  
16 man of the Council, and twenty-six other members appointed  
17 by the President who shall be selected—

18 “(1) from among private citizens of the United  
19 States who are widely recognized for their knowledge  
20 of, or expertise in, or for their profound interest in, the  
21 arts;

22 “(2) so as to include practicing artists, civic cul-  
23 tural leaders, members of the museum profession, and  
24 others who are professionally engaged in the arts; and

1           “(3) so as collectively to provide an appropriate  
2           distribution of membership among the major art fields.  
3   The President is requested, in the making of such appoint-  
4   ments, to give consideration to such recommendations as  
5   may, from time to time, be submitted to him by leading na-  
6   tional organizations in these fields.

7           “(c) Each member shall hold office for a term of six  
8   years, and the terms of office shall be staggered. No mem-  
9   ber shall be eligible for reappointment during the two-year  
10   period following the expiration of his term. Any member  
11   appointed to fill a vacancy shall serve for the remainder of  
12   the term for which his predecessor was appointed.

13          “(d) The Council shall meet at the call of the Chair-  
14   man but not less often than twice during each calendar year.  
15   Fourteen members of the Council shall constitute a quorum.

16          “(e) Members shall receive compensation at a rate to  
17   be fixed by the Chairman but not to exceed the per diem  
18   equivalent of the rate authorized for grade GS-18 by sec-  
19   tion 5332 of title 5, United States Code, and be allowed  
20   travel expenses including per diem in lieu of subsistence,  
21   as authorized by section 5703 of that title for persons in  
22   the Government service employed intermittently.

23          “(f) The Council shall (1) advise the Chairman with  
24   respect to policies, programs, and procedures for carrying  
25   out his functions, duties, or responsibilities under this title,

1 and (2) review applications for financial assistance under  
2 this title and make recommendations thereon to the Chair-  
3 man. The Chairman shall not approve or disapprove any  
4 such application until he has received the recommendation  
5 of the Council on such application, unless the Council fails  
6 to make a recommendation thereon within a reasonable  
7 time. In the case of an application involving \$10,000, or  
8 less, the Chairman may approve or disapprove such request  
9 if such action is taken pursuant to the terms of a delegation  
10 of authority from the Council to the Chairman, and pro-  
11 vided that each such action by the Chairman shall be re-  
12 viewed by the Council.

13 "AUTHORIZATION OF APPROPRIATIONS

14 "SEC. 203. (a) There are authorized to be appropri-  
15 ated to carry out the provisions of this title \$110,000,000  
16 for the fiscal year ending June 30, 1974; \$125,000,000  
17 for the fiscal year ending June 30, 1975; \$135,000,000  
18 for the fiscal year ending June 30, 1976; \$175,000,000 for  
19 the fiscal year ending June 30, 1977; and \$200,000,000 for  
20 the fiscal year ending June 30, 1978.

21 "(b) Of the amounts authorized under subsection (a)  
22 of this section, there are authorized to be allocated to carry  
23 out the provisions of this title an amount equal to the total  
24 of amounts received under section 103 (a) (2) of this Act,  
25 except that the amounts so appropriated for the fiscal year

1 ending June 30, 1974, shall not exceed \$22,000,000; the  
 2 amount appropriated for the fiscal year ending June 30,  
 3 1975, shall not exceed \$25,000,000; the amount appro-  
 4 priated for fiscal year ending June 30, 1976, shall not ex-  
 5 ceed \$27,000,000; the amount appropriated for the fiscal  
 6 year ending June 30, 1977, shall not exceed \$35,000,000;  
 7 and the amount appropriated for the fiscal year ending June  
 8 30, 1978, shall not exceed \$40,000,000.

9       “(c) Sums appropriated under the authority of this  
 10 section shall remain available until expended. For each sub-  
 11 sequent fiscal year such sums may be appropriated as the  
 12 Congress may hereafter authorize by law to carry out the  
 13 provisions of this title.

#### 14               “TITLE III—THE HUMANITIES

##### 15               “NATIONAL ENDOWMENT FOR THE HUMANITIES

16       “SEC. 301. (a) There is established within the Founda-  
 17 tion a National Endowment for the Humanities.

18       “(b) (1) The Endowment shall be headed by a Chair-  
 19 man, who shall be appointed by the President, by and with  
 20 the advice and consent of the Senate.

21       “(2) The term of office of the Chairman shall be four  
 22 years, and the Chairman shall be eligible for reappointment.  
 23 The provisions of this paragraph shall apply to any person  
 24 appointed to fill a vacancy in the office of the Chairman.  
 25 Upon expiration of his term of office the Chairman shall

1 serve until his successor shall have been appointed and shall  
2 have qualified.

3 “(c) The Chairman, with the advice of the Federal  
4 Council on the Arts and the Humanities and the National  
5 Council on the Humanities (hereinafter established), is au-  
6 thorized to—

7 “(1) develop and encourage the pursuit of a na-  
8 tional policy for the promotion of progress and scholar-  
9 ship in the humanities;

10 “(2) initiate and support research and programs to  
11 strengthen the research and teaching potential of the  
12 United States in the humanities by making arrange-  
13 ments (including contracts, grants, loans, and other  
14 forms of assistance) with individuals or groups to sup-  
15 port such activities;

16 “(3) award fellowships and grants to institutions  
17 or individuals for training and workshops in the human-  
18 ities (fellowships awarded to individuals under this  
19 authority may be for the purpose of study or research  
20 at appropriate nonprofit institutions selected by the re-  
21 cipient of such aid, for stated periods of time);

22 “(4) foster the interchange of information in the  
23 humanities;

24 “(5) foster, through grants or other arrangements



1 with groups, education in, and public understanding and  
2 appreciation of the humanities; and

3 “(6) support the publication of scholarly works in  
4 the humanities without regard to the provisions of sec-  
5 tion 501 of title 44, United States Code.

6 “(d) The Chairman shall correlate the programs of the  
7 National Endowment for the Humanities, insofar as practica-  
8 ble, with existing Federal programs and with those under-  
9 taken by other public agencies or private groups, and shall  
10 develop the programs of the Endowment with due regard  
11 to the contribution to the objectives of this title which can  
12 be made by other Federal agencies under existing programs.

13 “(e) The total amount of any grant under subsection  
14 (c) (3) of this section to any group engaging in workshop  
15 activities for which an admission or other charge is made to  
16 the general public shall not exceed 30 per centum of the  
17 total cost of such activities.

18 “NATIONAL COUNCIL ON THE HUMANITIES

19 “SEC. 302. (a) There is established in the National  
20 Endowment for the Humanities a National Council on the  
21 Humanities.

22 “(b) The Council shall be composed of the Chairman  
23 of the National Endowment on the Humanities, who shall  
24 be the Chairman of the Council, and twenty-six other mem-  
25 bers appointed by the President from private life. Such mem-

1   bers appointed by the President from private life. Such mem-  
2   and scholarship or creativity and in a manner which will pro-  
3   vide a comprehensive representation of the views of scholars  
4   and professional practitioners in the humanities and of the  
5   public throughout the United States. The President is re-  
6   quested in the making of such appointments to give consid-  
7   eration to such recommendations as may from time to time  
8   be submitted to him by leading national organizations con-  
9   cerned with the humanities.

10       “(c) Each member shall hold office for a term of six  
11   years, except that (1) the members first taking office shall  
12   serve, as designated by the President, nine for terms of two  
13   years, nine for terms of four years, and eight for terms of six  
14   years, and (2) any member appointed to fill a vacancy shall  
15   serve for the remainder of the term for which his predecessor  
16   was appointed. No member shall be eligible for reappoint-  
17   ment during the two-year period following the expiration of  
18   his term.

19       “(d) The Council shall meet at the call of the Chair-  
20   man but not less often than twice during each calendar year.  
21   Fourteen members of the Council shall constitute a quorum.

22       “(e) Members shall receive compensation at a rate to  
23   be fixed by the Chairman but not to exceed the per diem  
24   equivalent of the rate authorized for grade GS-18 by section  
25   5332 of title 5, United States Code, and be allowed travel

1 expenses including per diem in lieu of subsistence, as author-  
2 ized by section 5703 of that title, for persons in the Govern-  
3 ment service employed intermittently.

4 “(f) The Council shall (1) advise the Chairman with  
5 respect to policies, programs, and procedures for carrying out  
6 his functions, and (2) shall review applications for financial  
7 support and make recommendations thereon to the Chair-  
8 man. The Chairman shall not approve or disapprove any  
9 such application until he has received the recommendation  
10 of the Council on such application, unless the Council fails  
11 to make a recommendation thereon within a reasonable time.  
12 In the case of any application involving \$10,000 or less,  
13 the Chairman may approve or disapprove such request if  
14 such action is taken pursuant to the terms of a delegation of  
15 authority from the Council to the Chairman, and provided  
16 that each such action by the Chairman shall be reviewed by  
17 the Council.

18 “AUTHORIZATION OF APPROPRIATIONS

19 “SEC. 303. (a) There are authorized to be appropri-  
20 ated to carry out the provisions of this title \$110,000,000 for  
21 the fiscal year ending June 30, 1974; \$125,000,000 for the  
22 fiscal year ending June 30, 1975; \$135,000,000 for the  
23 fiscal year ending June 30, 1976; \$175,000,000 for the  
24 fiscal year ending June 30, 1977; and \$200,000,000 for the  
25 fiscal year ending June 30, 1978.

1       “(b) Of the amounts authorized under subsection (a) of  
2 this section, there are authorized to be allocated to carry out  
3 the provisions of this title an amount equal to the total of  
4 amounts received under section 103 (a) (2) of this Act, ex-  
5 cept that the amounts so appropriated for the fiscal year  
6 ending June 30, 1974, shall not exceed \$22,000,000; the  
7 amount appropriated for the fiscal year ending June 30, 1975,  
8 shall not exceed \$25,000,000; the amount appropriated for  
9 the fiscal year ending June 30, 1976, shall not exceed \$27,-  
10 000,000; the amount appropriated for the fiscal year ending  
11 June 30, 1977, shall not exceed \$35,000,000; and the  
12 amount appropriated for the fiscal year ending June 30,  
13 1978, shall not exceed \$40,000,000.

14       “(c) Sums appropriated under the authority of this  
15 section shall remain available until expended. For each sub-  
16 sequent fiscal year such sums may be appropriated as the  
17 Congress may hereafter authorize by law to carry out the  
18 provisions of this title.”

**[COMMITTEE PRINT]**

NOVEMBER 8, 1972

**(Intended To Be Proposed by Mr. Javits)**

93D CONGRESS  
1ST SESSION

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**A BILL**

To revise and improve Federal programs of  
assistance to the arts and humanities.

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By Mr. -----

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JANUARY , 1973

Read twice and referred to the Committee on Labor  
and Public Welfare